

**REMARKS/ARGUMENTS**

Claims 1-14 and 16-36 remain in the application. Claims 1, 16, 35, and 39 have been amended in this response.

The Examiner has issued a final refusal mailed December 14, 2004. Accordingly, this response is being filed, together with a Request for Continued Examination. The Applicant respectfully submits that the amended claims fully distinguish over the art cited to date by the Examiner and further examination is respectfully requested.

The Examiner has rejected claim 39 under 35 U.S.C. 112 as unsupported by the original disclosure. The Applicant respectfully request reconsideration of this objection for the reasons set out below.

Claim 39 has been amended to more clearly claim the invention. The Examiner has taken the position that the claim limitation (recited in claim 39) of recalculating the delivery access key has never been recited before in the claims nor in the specification. The Applicant respectfully refers the Examiner to page 9, lines 9 and 10 of the specification (as filed) where it states, "When the storage locker 80 is again closed, the storage locker 80 locks, calculates a new delivery access key, and changes its state to available" (emphasis added). Accordingly, the Applicant respectfully submits that claim 39 is supported by the original disclosure.

The Examiner has rejected claims 1-3, 5-14, 16, 17, 19, 33, 35, and 36 under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2001/0045449 (Shannon). The Applicant respectfully request reconsideration of this objection for the reasons set out below.

In paragraph 32 of the Office Action, the Examiner noted that the claims do not explicitly state that the delivery access key and the item key are different keys,

and that Shannon does not disclose the foregoing feature. Independent claims 1, 16, and 35 have now been amended to include the limitation that the delivery access key and the item key are different keys. Accordingly, the Applicant respectfully submits that the invention claimed in claims 1, 16, and 35 (as amended) is not anticipated by Shannon.

The Examiner appears to reject claims 16, 17, 19, 20-34 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,344,796 (Ogilvie), although the Examiner provides no reasons for the rejection. The Examiner also rejects the same claims under 35 U.S.C. 103(a) as obvious in view of the combination of Ogilvie and what the Examiner considers as common knowledge (set out in paragraph 19 of the Office Action). The Applicant respectfully requests reconsideration of these rejections for the reasons set out below.

As discussed in the Applicant's previous response, independent claims 16 and 34 recite that the parcel is delivered to a storage locker located in a depot selected by the consumer. The inventions claimed in claims 16 and 34 provide the advantage of tailoring the parcel delivery to the preference and convenience of the consumer.

Ogilvie does not disclose allowing the consumer to select a depot to which the parcel is delivered. Ogilvie discloses a system and method of package delivery that is focused on logistical efficiency, rather than convenience for the recipient or the consumer. Accordingly, Ogilvie discloses the delivery agent delivering the parcel to a depot selected by the provider of the depot (see col. 6, lines 18-21), rather than the depot selected by the recipient (corresponds to the term "consumer" in the subject application). Accordingly, Ogilvie the invention claimed in Claims 16 and 34 is not anticipated and is not obvious in view of Ogilvie.


In light of the above, the applicant respectfully submits that the independent Claims 1, 16, 34, and 35 are allowable, and dependent claims 2-14, 17-33, 36, 38-40 are also allowable because they depend from allowable base claims.

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Amdt. dated: January 18, 2005  
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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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